

REMARKS

The Office Action mailed July 12, 2004 has been received and the Examiner's comments carefully reviewed. The preamble of each of dependent claims 26-32 and 24-28 has been amended. Claims 39-42 have been added. No new subject matter has been added. Claims 16-18 and 21-42 are currently pending. Applicants respectfully submit that the pending claims are in condition for allowance.

Rejections Under 35 U.S.C. §103

The Examiner rejected claims 16-18 and 21-38 under 35 U.S.C. §103(a) as being unpatentable over Linkner, Jr. (U.S. Patent 5,464,187) in view of Honobe et al. (U.S. Patent 6,099,190). Applicants respectfully traverse this rejection.

Linkner discloses a mounting bracket 10 for an anti-lock brake, control valve 17. The mounting bracket 10 includes a base portion 12, and first, second, and third supporting members 15, 16, and 25 extending upward from the base portion 12. The control valve 17 mounts between each of the supporting members 15, 17, and 25. Each of the supporting members 15, 16, and 25 includes resilient isolators 30, 31, and 50 that are designed to contain or isolate vibrations generated by the control valve 17.

Claim 16 recites a method of flexibly securing a hydraulic reservoir to a support structure. The method includes coupling the reservoir at first, second, and third locations to the support structure and permitting the support structure to flex under torsional forces and substantially isolate the hydraulic reservoir from the torsional forces.

Claim 17 recites a hydraulic reservoir enclosure assembly including a reservoir, a frame, and a mounting arrangement. The frame includes first and second side support structures and a bottom support structure. The mounting arrangement consists of first, second and third mounting members that couple the reservoir to the bottom of the frame.

Claim 25 recites a hydraulic reservoir enclosure assembly including a reservoir, a frame, and a mounting arrangement. The frame includes first and second side support structures. The mounting arrangement consists of first, second and third mounting members.

Claim 33 recites a hydraulic reservoir assembly including a reservoir and a flexible mounting arrangement. The flexible mounting arrangement consists of three mounting members arranged such that the reservoir is substantially isolated from torsional forces placed upon the support structure.

The Examiner asserts that Linkner discloses all the recited elements of independent claims 16, 17, 25, and 33 with the exception of a reservoir. The Examiner relies upon the combination of Honobe and Linker as a basis for rejection; in particular, the Examiner asserts that it would have been obvious for one of ordinary skill in the art at the time the invention was made to have used the Linkner apparatus to mount a unit such as that of Honobe, which the Examiner has construed as a reservoir.

Applicants respectfully submit that a prima facie case of obviousness is lacking because Linker fails to teach or suggest a mounting structure that permits the support structure to flex and substantially isolate a reservoir from torsional forces. Rather, the mounting bracket 10 of Linker is designed to do just the opposite. In particular, the mounting bracket 10 is designed to "suspend the control valve 17 . . . , preventing the transmission of vibrational and acoustical noise. Column 8, lines 14-17. In fact, the mounting bracket 10 is designed such that "if the vehicle is subjected to a sudden jarring motion, as is generated, for example, upon passing over a bump or hole in the road surface, the isolator spring rate [of the isolators] increases to provide more support to the control valve 17." Column 8, lines 22-26. In other words, "the effective spring rate" of the isolators provides "a stiffer dampening response and provides more support to the control valve 17." Column 8, lines 40-43.

Linkner does not teach or suggest isolating the valve from vibrations. In contrast, Linker teaches a valve arrangement wherein vibrations are prevented from being transmitted from the valve. In addition, Linkner does not teach or suggest permitting the mounting bracket to flex under torsional forces. In contrast, Linkner teaches a mounting bracket that stiffens to provide more support to the control valve when a jarring motion is experienced.

Where Linkner fails to teach or suggest the recited limitation, Honobe fails to make up for Linkner deficiencies. Honobe discloses an apparatus for facilitating securing

a component to a stationary bracket. Honobe does not teach or suggest a mounting that permits the support structure to flex and substantially isolates a reservoir from torsion forces. Neither Linkner nor Honobe teaches or suggest the three-point mounting arrangement as characterized in each of independent claims 16, 17, 25 and 33.

Yet, even if the references did teach that all aspects of the claimed invention were individually known in the art, a statement that modifications were "well within the ordinary skill of the art" is not sufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references. M.P.E.P. §2143.01 citing Al-Site Corp. v. VSI Int'l Inc., 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999) (holding that the level of skill in the art cannot be relied upon to provide the suggestion to combine references). Moreover, knowledge held by those skilled in the art applies to common facts of "notorious character" or "capable of instant and unquestionable demonstration". M.P.E.P. §2144.03.

As Applicant points out in the specification, traditional tank mounting arrangements are constructed to rigidly affix a tank to a support structure. Mechanical stresses from operation of the vehicle cause cracking in the rigidly attached tank. The mechanical stresses and cracking degrade the structural integrity of the tank and result in leakage. Page 5, lines 10-16 and page 6, lines 5-17. Applicants claimed mounting arrangement addresses the long-felt problem of cracked reservoirs. Accordingly, Applicants submit that the three-point mounting arrangement is not of notorious character and unquestionable demonstration, as there has been a long-felt need to address the problem of cracking reservoirs. Applicants respectfully request evidence to the contrary if this rejection is maintained.

At least for these reasons, Applicants respectfully submit that independent claims 16, 17, 25, and 33, and dependent claims 18, 21-24, 26-32, and 34-38 are patentable.

New Claims 39-42

New claims 39-42 each clarify that the mounting members of the three-point mounting arrangement are separate components. Claims 39-42 depend upon independent claims 16, 17, 25, and 33 respectively. At least for the reasons as discussed with regards

to the independent claims, Applicants respectfully submit that dependent claims 39-42 are patentable.

SUMMARY

It is respectfully submitted that each of the presently pending claims (claims 16-18 and 21-42) is in condition for allowance and notification to that effect is requested. The Examiner is invited to contact Applicants' representative at the below-listed telephone number if it is believed that prosecution of this application may be assisted thereby.

Although certain arguments regarding patentability are set forth herein, there may be other arguments and reasons why the claimed invention is patentably distinct. Applicants reserve the right to raise these arguments in the future.

Respectfully submitted,



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Date:

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A handwritten signature in dark ink, appearing to read "Karen A. Fitzsimmons". The signature is written over a horizontal line.

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